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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 10/007,644 | 11/06/2001 | Kevin C. Hutton | GOLDENH.003A | 9966 |
| 62912 | 7590 | 01/04/2010 | | |
| MANUEL F. DE LA CERRA 6885 CATAMARAN DRIVE CARLSBAD, CA 92011 | | | EXAMINER LE, LINH GIANG | |
| | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/007,644 | Applicant(s) HUTTON ET AL. | |
| | Examiner MICHELLE LE | Art Unit 3686 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to supplemental amendment filed 12/7/09. Claims 1, 2, 8 and 9 have been amended. Claims 5-7 have been cancelled and claims 16, 17 have been added.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-4 and 8-17 are rejected under 35 USC 101 as being directed towards non-statutory subject matter. Independent claims 1 and 8 are directed towards an integrated emergency medical transportation database system but is not defined by components of a system recognized under 35 USC 101. Under *In re Nuijten*, 500 F.3d 1346 (Fed. Cir., 2007), the construction of machine is defined as a "concrete thing, consisting of parts, or of certain devices and combination of devices [including] every mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result." (Quoting *Burr v. Duryee*, 68 U.S. (1 Wall.) 531, 570 (1863)). Database and data accuracy modules are not concrete things, parts, or devices and are software terms, and thus are not recognized as system components.
- 4.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraftson (6,151,581) in view of Arai (6,704,720).

7. As per claim 1, Kraftson teaches a computerized, integrated emergency medical transportation database system having a demographic audit module, the system comprising:

a medical emergency database configured to store clinical encounter information, patient demographic data, and transport information, wherein the patient demographic data is selected from a group consisting of the patient name, the patient social security number, the patient insurance data, the patient address, the patient date of birth and combinations thereof: (Kraftson; col. 5, lines 40-60) and

a demographic audit module in communication with the medical emergency database, wherein the demographic audit module is configured to:

determine whether sufficient patient demographic data exists in the medical emergency database, wherein the sufficient patient demographic data comprises the patient name,

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the patient social security number and the patient insurance data, (Kraftson; Col. 20, lines 9-27);

Kraftson does not expressly teach a demographic audit module configured to search other databases in an attempt to obtain missing demographic information from at least one of the other databases; and retrieve at least a portion of the missing demographic information from at least one of the other databases. However this is well known in the art as evidenced by Arai. Arai teaches if a retrieved record has missing data then a systematic information retrieval can be executed to retrieve the missing data (Arai; Col. 4, lines 33-46). It would have been obvious to add this feature to the Kraftson teachings with the motivation of solving the problems encountered when a plurality of databases are used in combination (Arai; Col. 2, lines 21-24).

8. AS per claim 2, Arai teaches wherein the demographic audit module is additionally configured to record one or more attempts to obtain any missing demographic information. (Arai; Col. 4, lines 14-23). Examiner reads the "display means" as a means for recording on a display attempts to obtain missing information. It would have been obvious to add this feature to the Kraftson teachings with the motivation of solving the problems encountered when a plurality of databases are used in combination (Arai; Col. 2, lines 21-24).

9. As per claim 3, Kraftson teaches wherein the demographic audit module is additionally configured to apply modifiable data collection rules associated with a payer

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type to determine whether sufficient patient demographic data exists in the medical emergency database. (Kraftson; Col. 20, lines 9-27).

10. As per claim 4, Kraftson teaches additionally comprising a billing module in communication with the medical emergency database, the billing module receiving data from the demographic audit module. (Kraftson; Col. 10, lines 40-55).

11. Claims 8-11 repeat substantially the same limitations as claims 1-4 and the reasons for rejection are incorporated herein.

12. As per claim 12, Kraftson teaches wherein the patient demographic data comprises data specific to an insurance provider. (Kraftson Col. 10, lines 40-55).

13. As per claim 13, Kraftson teaches wherein the patient demographic data is based at least in part on criteria specific to the type of transport, the type of incident, or the type of patient. (Kraftson; Col. 10, lines 40-55).

14. As per claim 14, Kraftson teaches wherein the transport information comprises information obtained about the transport after first contact by medical transport personnel. (Kraftson; Col. 5, lines 40-60).

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15. As per claim 15, Kraftson teaches wherein the billing module is configured to generate a bill based at least in part upon the data from the demographic audit module. (Kraftson; Col. 17, lines 15-25).

16. As per claims 16 and 17, Arai teaches wherein the demographic audit module and data accuracy filter module are additionally configured to, subsequent to the recording one or more attempts, search at least one of the other databases for at least a portion of the missing demographic information, wherein the search is based on the record of one or more attempts. (Arai; Col 4, lines 24-45). It would have been obvious to add this feature to the Kraftson teachings with the motivation of solving the problems encountered when a plurality of databases are used in combination (Arai; Col. 2, lines 21-24).

Response to Arguments

17. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHELLE LE whose telephone number is (571)272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald O'Connor can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michelle Linh-Giang Le/
Examiner, Art Unit 3686
12/31/09